



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION  
(203) 797-4525  
(203) 797-4586 (FAX)

**MINUTES**  
**APRIL 17, 2013**

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The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM.

Present were Fil Cerminara, Helen Hoffstaetter, Arnold Finaldi Jr., Joel Urice and Alternate Michael Ferguson. Also present was Associate Planner Jennifer Emminger.

Absent were Kenneth Keller and Alternate Robert Chiochio.

Chairman Finaldi asked Mr. Ferguson to take Mr. Keller's place for the items on tonight's agenda.

Ms. Hoffstaetter made a motion to accept the April 3, 2013 minutes. Mr. Urice seconded the motion and it was passed unanimously.

Chairman Finaldi noted that the May 1, 2013 meeting has been cancelled and the next regular meeting is scheduled for May 15, 2013.

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**CONTINUATION OF PUBLIC HEARING**

Hawley Realty - Application for Special Exception/Site Plan Approval for Medical Office in the RH-3 Zone - 39-41 Hospital Ave. & 3 Forest Ave. (#J12009, #J12010 & #J12011). - SE # 729.

Ben Doto, PE said this had been kept open for receipt of the Engineering Report, which has been received. He said there is nothing in it that cannot be addressed. He offered to answer questions but there were none.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one.

Mr. Urice made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Urice then made a motion to move this matter to Old Business. Mr. Ferguson seconded the motion and it was passed unanimously.

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**OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:**

Hawley Realty - Application for Special Exception/Site Plan Approval for Medical Office in the RH-3 Zone - 39-41 Hospital Ave. & 3 Forest Ave. (#12009, #12010 & #12011). - SE # 729.

Chairman Finaldi said they all should have received a draft resolution of approval from Mrs. Emminger as they discussed at the last meeting. He asked Mrs. Emminger if there were any conditions she wanted to point out to the Commission members. Mrs. Emminger said it was fairly standard including the usual language regarding maps and filing as well as the condition regarding the trash collection and dumpsters. She said it does state that the conveyance of the 253 sq.ft. for roadway improvements along Hospital and Forest Aves. must be done before the Zoning Compliance will be issued. Mr. Urice made a motion to approve this per the resolution. Mr. Cerminara seconded the motion. Chairman Finaldi said he was not eligible to vote on this, but he called for a vote. The motion to approve carried unanimously with ayes from Mr. Cerminara, Mr. Ferguson, Ms. Hoffstaetter, and Mr. Urice.

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REFERRALS

8-24 Referral/April 2013 City Council Agenda Item #15: Request for Water Extension - Belimo Air Controls, 33 Turner Rd. (#A17001).

This request is to extend City water to the 34 acre site on Turner Rd. A special exception and site plan were approved in May 2012 to construct a new building on this site. It is within the proposed water service area as shown in the Plan of Conservation & Development. Mr. Urice made a motion to give this a positive recommendation with the standard conditions. *(Subject to submission of all plans and documents required for acceptance/conveyance in form and content acceptable to the Engineering Department and the Office of Corporation Counsel prior to recording on the Danbury Land Records.)* Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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8-24 Referral/April 2013 City Council Agenda Item #16: Request for Sewer Extension - 1 & 3 Scuppo Rd. (#F14073 & #F14124).

This request is to allow two lots to be served by public sewer. One lot contains an existing one-family home and the other lot is vacant, but received site plan approval for a ten (10) unit multi-family development in July 2012. There already is municipal sewer on Scuppo Rd. and these properties are within the proposed sewer area as shown in the Plan of Conservation & Development. Mr. Urice made a motion to give this a positive recommendation with the standard conditions. Mr. Ferguson seconded the motion and it was passed unanimously.

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ZBA Referral/ Application #13-15 - Ridgefield Waterside Properties, LLC, 74 Sugar Hollow Rd. & Sugar Hollow Rd. (#G25018 & #G25009), USE VARIANCE to Sec.5.C.2.a., to allow employee & vehicle inventory parking for automobile dealership on

contiguous property located in Ridgefield (LCI-40 Zone) ZBA public hearing scheduled for April 25, 2013.

Mrs. Emminger said this is for the BMW dealership that is located in Ridgefield just over the Danbury town line. They are renovating and enlarging the dealership and want to use the back of this parcel which is partially located in Danbury to store vehicle inventory and employee parking. This parcel is inaccessible from Danbury and can only be accessed through the Ridgefield parcel. She said the Department does not necessarily endorse this use but there is absolutely no way for them to use this property from Danbury. It is completely isolated from Danbury. Mr. Urice said although this is basically an extension of the car sales, this parcel is landlocked. He added that no one can tell by looking at it, whether it is in Danbury or Ridgefield. He said he feels they should give this a positive recommendation but is concerned about setting a precedent. Since there were no other comments, Mr. Urice then made a motion to give this a positive recommendation. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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8-3a Referral – Petition of Equity One Inc to Amend Sec. 5.B.2.b.(16) of the Zoning Regulations. (Add Fast Food as Special Exception Use to CA-80 Zone) Zoning Commission Public hearing scheduled for May 28, 2013.

Mrs. Emminger said the Staff Report is not yet done, so they should table this for tonight. Mr. Urice made a motion to table this until the May 15<sup>th</sup> meeting. Mr. Cerminara seconded the motion and it was passed unanimously.

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Mr. Ferguson made a motion to add an item which was tabled at the January 16, 2013 meeting: 8-24 Referral/December 2012 City Council Agenda Item #6: Request for Sewer Extension to 39 Hospital Ave. & 3 Forest Ave. (#J12009 & #J12011). Mr. Urice seconded the motion and it was passed unanimously.

This matter was tabled at the January 16, 2013 meeting because at that time the Zoning Commission was in the middle of hearing a petition to rezone these properties and this Commission does not generally make recommendations until there is an approved site plan for the proposed project. A report was sent to the City Council saying that the uses in the proposed zone are more intensive than the ones in the existing zone. And even though this property is within the proposed sewer service area as shown in the Plan of Conservation & Development, the Commission will wait until the zone change is done and the site plan is approved, before making their recommendation. Since the zone change was approved by the Zoning Commission at their January 22, 2013 meeting and the Special Exception/Site Plan approval was granted earlier in tonight's meeting, Mr. Urice made a motion to give this a positive recommendation with the standard conditions. Mr. Ferguson seconded the motion and it was passed unanimously.

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Chairman Finaldi noted that there was nothing under Other Matters and under For Reference Only was listed the public hearing scheduled June 12, 2013 for the

Amendment to the Plan of Conservation & Development. He said the Amendment is on the City Website as well as being available in the Planning & Zoning Office.

At 7:50 PM, Mr. Urice made a motion to adjourn. Ms. Hoffstaetter seconded the motion and it was passed unanimously.